

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-7, 9, 16-21, and 25-27 are pending in the application.

REJECTION UNDER § 112 SECOND PARAGRAPH

Claims 1-27 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. While disagreeing with the substance of, and therefore traversing, the rejection, Applicant has amended Claims 3 and 6 to overcome this rejection in an effort to expedite prosecution of the present application. Therefore, Applicant respectfully requests that this rejection be withdrawn.

REJECTION UNDER § 112 FIRST PARAGRAPH

Claims 19-21 and 25-27 were rejected under 35 U.S.C. § 112, first paragraph, as being non-enabling. Applicant respectfully traverses this rejection and further requests that this rejection be reconsidered and withdrawn.

That is, referencing Claim 19, the rejection states that the claim has been amended to read that, “a fourth program code that determines a service response to the service request.” Applicant respectfully submits that Claim 19, as originally filed on May 23, 2001, recited, “a fourth program code that determines a service response to the service request,” (emphasis added). That is, Claim 19, particularly the recitation therein of a “fourth program code,” has been amended back into its *original* language,

wherein there is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, (MPEP 2163.03, citing *In re Wertheim*, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976)).

In the alternative, if the present rejection is to be maintained, Applicant respectfully reserves the right to amend the specification to even more explicitly recite such features of the “fourth program code,” as the claimed as filed in the original specification are part of the disclosure and “the applicant may amend the specification to include the claimed subject matter,” (MPEP 2163.01(III) citing *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed.Cir. 1985)).

Accordingly, for at least the reasons set forth above, it is respectfully submitted that the present rejection should be withdrawn.

35 U.S.C. § 101 REJECTION

Claims 1-7, 9, and 16-18 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While disagreeing with the substance of, and therefore traversing, the rejection, Applicant has amended Claims 1 and 2 to overcome this rejection in an effort to expedite prosecution of the present application. Therefore, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 102 REJECTION

Claims 1 - 7, 9, 16 - 21, and 25 - 27 were again rejected under 35 U.S.C. §102(b) as being anticipated by Joao (U.S. Patent 6,283,761; hereafter “Joao”). The Applicant respectfully maintains its traversal to this rejection, and requests that this rejection be

reconsidered and withdrawn. In particular, Applicant maintains that Joao does not teach or suggest the presently claimed method, medium, and system that provide a menu of service request options corresponding to a determined user type; nor does Joao teach or suggest the presently claimed method, medium, and system that insert at least one reminder related to the personal services into an electronic calendar associated with a user.

As asserted in the Office Action, Joao teaches an apparatus and method for processing and/or providing health care-related information that can be used by “[a]ny patient, user, provider, payer, and/or intermediary,” (Joao, col. 4, lines 30 – 40). However, the description of a methodology to enable any user to access particular information (e.g., Joao, Figs. 7 and 11 and their respective descriptions) does not teach or suggest *service request options* being made available to a user *based on* a determined *user type* for the user. Such correspondence between a menu of service request options and the determined user type is recited in independent Claim 1 as:

- receiving a service request from a user who is a member of one of the predefined groups;
- determining a user type associated with the received service request;
- providing a menu of service request options corresponding to the determined user type;...

in independent Claim 19 as:

- a first program code that receives a service request from a user who is a member of one of the groups and determines a user type associated with the service request;
- a second program code that provides a menu of service request options based on the determined user type,...

and in independent Claim 20 as:

- a user interface unit for receiving a service request from a user who is a member of one of the

groups and determining a user type associated with the service request;
a server unit that:
provides, to the user, a menu of service request options based on the user type...

That is, while Joao does describe different embodiments which, respectively, describe different types of data being made available to a user, Applicant respectfully maintains that Joao actually describes making the *same* information available to a variety of interested parties. That is, *per embodiment*, Joao provides a particular selection of data to a user *with no option for selection of such data*. For instance, in accordance with Fig. 7B, Joao describes a patient's diagnostic report and/or treatment report to a health provider's communication service (Joao, col. 25, lines 54-62) for access by one of many health care professionals (Joao, col. 25, lines 5-9). Joao even describes the diagnostic report and/or treatment reports being accompanied by health and/or wellness information (Joao, col. 26, lines 2-24). However, there is no teaching, whatsoever, of any healthcare provider being provided with a menu by which a particular selection can be made of any of the provided data.

On the other hand, independent Claims 1, 19, and 20 presently recite that a *particular* menu of service request options is made available to a user based upon a *type* corresponding to that user.

Further, as indicated in the Office Action, Joao teaches that a schedule *on a central processing computer* may be updated to reflect a new appointment (Joao, col. 32, lines 65 – 67) and that the central process computer may then generate and/or transmit an e-mail reminder to a user to confirm the scheduling of the appointment (Joao, col. 33, lines 16 – 20). However, Joao does not teach that the central processing computer is able to *actually insert* a reminder related

a personal service into an electronic calendar associated *with the user*, as recited

in independent Claim 1 as:

inserting at least one reminder related to the personal services into an electronic calendar associated with the user;...

in independent Claim 19 as:

a seventh program code that inserts at least one reminder related to the provided personal services into an electronic calendar associated with the user;...

or in independent Claim 20 as:

inserts at least one reminder related to the personal services into an electronic calendar associated with the user...

The Applicant respectfully submits that Joao further fails to even suggest that above-recited features of Claims 1 and 19 because, in order to actually insert the reminder into the electronic calendar corresponding to a particular user, a provider would have to have been granted trusted access or permissions to do so by the user, which Joao simply does not teach. This last point is not made to point out a presently claimed feature, but rather is made to highlight the lack of teaching by Joao such that the reference is unable to even *suggest* a feature recited in all of Claims 1, 19, and 20.

It is respectfully submitted that, for at least the reasons set forth above, Joao fails to teach or even suggest the above-described features of independent Claims 1, 19, and 20, as well as the remainder of the presently pending claims, which depend from either of Claims 1 and 20. That is, Joao does not comply with the standard set forth in MPEP 2131 of teaching *every* element of the rejected claim(s), and thus, the Applicant respectfully maintains that the outstanding rejection under 35 U.S.C. §102(b) should be reconsidered and withdrawn.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is now condition for allowance, and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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